



General Assembly

**Substitute Bill No. 5473**

February Session, 2010

\* \_\_\_\_HB05473JUD\_\_032910\_\_ \*

**AN ACT CONCERNING ACTIONS TO RECOVER DAMAGES FOR THE  
SEXUAL ABUSE, SEXUAL EXPLOITATION OR SEXUAL ASSAULT OF  
A MINOR.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 52-577d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage and*  
3 *applicable to any action pending on or brought on or after said date*):

4 (a) Notwithstanding the provisions of section 52-577 and except as  
5 provided in subsection (b) of this section, no action to recover damages  
6 for personal injury to a minor, including emotional distress, caused by  
7 sexual abuse, sexual exploitation or sexual assault may be brought by  
8 such person later than thirty years from the date such person attains  
9 the age of majority.

10 (b) An action to recover damages for personal injury to a minor,  
11 including emotional distress, caused by sexual abuse, sexual  
12 exploitation or sexual assault may be brought by such person at any  
13 time if:

14 (1) One or more other actions are brought by another person or  
15 persons within the limitation of time prescribed in subsection (a) of  
16 this section;

17 (2) The complaint or initial pleading in the action (A) alleges sexual

18 abuse, sexual exploitation or sexual assault that is substantially similar  
19 to that alleged in such other action or actions, (B) alleges that the  
20 sexual abuse, sexual exploitation or sexual assault was committed by  
21 the same person alleged to have committed the sexual abuse, sexual  
22 exploitation or sexual assault in such other action or actions, and (C)  
23 names the same defendant or defendants alleged to be liable to such  
24 person as named in such other action or actions; and

25 (3) The attorney or party filing the action has made a reasonable  
26 inquiry as permitted by the circumstances to determine that there are  
27 grounds for a good faith belief that such person was sexually abused,  
28 sexually exploited or sexually assaulted as a minor. The complaint or  
29 initial pleading shall contain a certificate of the attorney or party filing  
30 the action that such reasonable inquiry gave rise to a good faith belief  
31 that grounds exist for an action against each named defendant. To  
32 show the existence of such good faith, the attorney or party filing the  
33 action shall identify in such certificate physical or documentary  
34 evidence of the sexual abuse, sexual exploitation or sexual assault and  
35 describe the connection between the person alleged to have committed  
36 such sexual abuse, sexual exploitation or sexual assault and any other  
37 defendant. The failure of the complaint or initial pleading to contain  
38 such a certificate shall be grounds for the granting of a motion to  
39 strike.

40 Sec. 2. (NEW) (*Effective from passage and applicable to any claim pending*  
41 *on or presented on or after said date*) A claim against the state to recover  
42 damages for personal injury to a minor, including emotional distress,  
43 caused by sexual abuse, sexual exploitation or sexual assault  
44 committed by a state officer or employee may be presented to the  
45 Claims Commissioner in accordance with chapter 53 of the general  
46 statutes. Notwithstanding the provisions of section 4-148 of the general  
47 statutes concerning the limitation of time on the presentation of a claim  
48 to the Claims Commissioner, such claim may be presented to the  
49 Claims Commissioner subject to the limitation of time and  
50 requirements set forth in section 52-577d of the general statutes, as

51 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any action pending on or brought on or after said date</i>	52-577d
Sec. 2	<i>from passage and applicable to any claim pending on or presented on or after said date</i>	New section

**JUD**      *Joint Favorable Subst.*